

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	: Dunbar	Confirmation No.:	1189
Serial No.	: 10/761,036	Art Unit	: 3733
Filed	: 1/20/2004	Examiner	: Hoffman, Mary C
Title	: Spinal Rod Approximator		

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically filed via EFS-Web to the Commissioner for Patents with the U.S. Patent and Trademark Office on:			
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Name (print/type)	Amy Pelletier		
Signature	/Amy Pelletier/	Date	9/27/2010

Mail Stop Patent Ext.
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

COMMUNICATION REGARDING PATENT TERM ADJUSTMENT

Applicants reviewed the USPTO calculation of the patent term adjustment for the above-referenced patent and agree with the patent term adjustment of 0 days as calculated by the USPTO. However, Applicants believe that the Applicant's Delay of 334 days as calculated by the USPTO is incorrect.

The IDS filed on 6/11/2010 was filed 72 days after the filing of an RCE on 3/31/2010. The USPTO should have deducted 72 days of patent term to account for this delay. Thus the applicant's delay should be 406 days.

Respectfully submitted,

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